

unteer contributions, by encouraging reasonable reform of laws to provide protection from personal financial liability to volunteers serving with nonprofit organizations and governmental entities for actions undertaken in good faith on behalf of such organizations.

SEC. 602. NO PREEMPTION OF STATE TORT LAW.

Nothing in this title shall be construed to preempt the laws of any State governing tort liability actions.

SEC. 603. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) **LIABILITY PROTECTION FOR VOLUNTEERS.**—For purposes of satisfying the requirement specified in section 129(a)(5) of the National and Community Service Act of 1990, and except as provided in subsections (b), (c), and (d), a State shall provide by law that any volunteer of a nonprofit organization or governmental entity shall incur no personal financial liability for any tort claim alleging damage or injury from any act or omission of the volunteer on behalf of the organization or entity if—

(1) such individual was acting in good faith and within the scope of such individual's official functions and duties with the organization or entity and such functions and duties are directly connected to the administration of a program described in section 122(a); and

(2) such damage or injury was not caused by willful and wanton misconduct by such individual.

(b) **CONCERNING RESPONSIBILITY OF VOLUNTEERS WITH RESPECT TO ORGANIZATIONS.**—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) **NO EFFECT ON LIABILITY OF ORGANIZATION.**—Nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to injury caused to any person.

(d) **EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.**—A State shall impose the following conditions on and exceptions to the granting of liability protection to any volunteer of an organization or entity required by subsection (a):

(1) The organization or entity must adhere to risk management procedures, including mandatory training of volunteers.

(2) The organization or entity shall be liable for the acts or omissions of its volunteers to the same extent as an employer is liable, under the laws of that State, for the acts or omissions of its employees.

(3) The protection from liability does not apply if the volunteer was operating a motor vehicle or was operating a vessel, aircraft, or other vehicle for which a pilot's license is required.

(4) The protection from liability does not apply in the case of a suit brought by an appropriate officer of a State or local government to enforce a Federal, State, or local law.

(5) The protection from liability shall apply only if the organization or entity provides a financially secure source of recovery for individuals who suffer injury as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

SEC. 604. DEFINITIONS.

For purposes of this title—

(1) the term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive compensation, or any other thing of value in lieu of compensation, for such services (other than reimbursement for expenses actually incurred or honoraria not to exceed \$300 per year for government service), and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer;

(2) the term "nonprofit organization" means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(3) the term "damage or injury" includes physical, nonphysical, economic, and non-economic damage; and

(4) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. GOODLING moved to recommit the bill to the Committee on Education and Labor.

By unanimous consent, the previous question was ordered on the motion to recommit.

The question being put, *viva voce*,

Will the House recommit said bill?

The SPEAKER pro tempore, Mr. MCNULTY, announced that the nays had it.

So the motion to recommit was not agreed to.

The question being put, *viva voce*,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. MCNULTY, announced that the nays had it.

Mr. FORD of Michigan demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 275
Nays 152

190.16

[Roll No. 379]

AYES—275

Abercrombie	Brown (OH)	Dickey
Ackerman	Bryant	Dicks
Andrews (ME)	Byrne	Dixon
Andrews (NJ)	Cardin	Dooley
Andrews (TX)	Carr	Durbin
Applegate	Chapman	Edwards (CA)
Bacchus (FL)	Clay	Edwards (TX)
Baessler	Clayton	Engel
Barca	Clement	English (AZ)
Barcia	Clyburn	English (OK)
Barlow	Coleman	Eshoo
Barrett (WI)	Collins (IL)	Evans
Becerra	Collins (MI)	Farr
Beilenson	Condit	Fazio
Bereuter	Conyers	Fields (LA)
Berman	Cooper	Filner
Bevill	Coppersmith	Fingerhut
Bilbray	Costello	Fish
Bishop	Coyne	Flake
Blackwell	Cramer	Foglietta
Blute	Danner	Ford (MI)
Bonior	Darden	Ford (TN)
Borski	Deal	Frank (MA)
Boucher	DeFazio	Frost
Brewster	DeLauro	Furse
Brooks	Dellums	Gejdenson
Browder	Derrick	Gephardt
Brown (CA)	Deutsch	Geren
Brown (FL)	Diaz-Balart	Gibbons

Gilchrest	Mann	Roybal-Allard
Gillmor	Manton	Rush
Gilman	Margolies-	Sabo
Glickman	Mezvinsky	Sanders
Gonzalez	Markey	Sangmeister
Gordon	Martinez	Sarpalius
Green	Matsui	Sawyer
Gunderson	Mazzoli	Schenk
Gutierrez	McCloskey	Schroeder
Hall (OH)	McCurdy	Schumer
Hall (TX)	McDermott	Scott
Hamburg	McHale	Serrano
Hamilton	McKinney	Sharp
Harman	McNulty	Shays
Hastings	Meehan	Shepherd
Hayes	Meek	Sisisky
Hefner	Menendez	Skelton
Hilliard	Mfume	Slattery
Hinchey	Miller (CA)	Slaughter
Hoagland	Mineta	Smith (IA)
Hochbrueckner	Minge	Snowe
Hoekstra	Mink	Spratt
Holden	Montgomery	Stark
Horn	Moran	Stenholm
Houghton	Morella	Stokes
Hoyer	Murphy	Strickland
Hughes	Murtha	Studds
Hutto	Nadler	Stupak
Inslee	Natcher	Swett
Jacobs	Neal (MA)	Swift
Jefferson	Neal (NC)	Tanner
Johnson (CT)	Oberstar	Tauzin
Johnson (GA)	Obey	Taylor (MS)
Johnson (SD)	Olver	Tejeda
Johnson, E. B.	Ortiz	Thompson
Johnston	Orton	Thornton
Kanjorski	Owens	Thurman
Kaptur	Pallone	Torkildsen
Kennedy	Parker	Torres
Kennelly	Pastor	Torricelli
Kildee	Payne (NJ)	Towns
Klecicka	Payne (VA)	Trafigant
Klein	Pelosi	Tucker
Klink	Penny	Unsoeld
Klug	Peterson (FL)	Upton
Kopetski	Peterson (MN)	Valentine
LaFalce	Pickett	Velazquez
Lambert	Pickle	Vento
Lancaster	Pomeroy	Visclosky
Lantos	Poshard	Volkmer
LaRocco	Price (NC)	Walsh
Laughlin	Quinn	Waters
Lazio	Rahall	Watt
Leach	Rangel	Waxman
Lehman	Reed	Wheat
Levin	Reynolds	Whitten
Lewis (GA)	Richardson	Williams
Lipinski	Roemer	Wilson
Lloyd	Rogers	Wise
Long	Ros-Lehtinen	Woolsey
Lowey	Rose	Wyden
Machtley	Rostenkowski	Wynn
Maloney	Rowland	Yates

NOES—152

Allard	Doolittle	Inhofe
Archer	Dornan	Istook
Armey	Dreier	Johnson, Sam
Bachus (AL)	Duncan	Kasich
Baker (CA)	Dunn	Kim
Baker (LA)	Emerson	King
Ballenger	Everett	Kingston
Barrett (NE)	Ewing	Knollenberg
Bartlett	Farwell	Kolbe
Barton	Fields (TX)	Kreidler
Bateman	Fowler	Kyl
Bentley	Franks (CT)	Levy
Bilirakis	Franks (NJ)	Lewis (CA)
Bliley	Gallegly	Lewis (FL)
Boehlert	Gallo	Lightfoot
Boehner	Gekas	Linder
Bonilla	Gingrich	Livingston
Bunning	Goodlatte	Manzulio
Burton	Goodling	McCandless
Buyer	Goss	McCollum
Callahan	Grams	McCrery
Calvert	Grandy	McHugh
Camp	Greenwood	McInnis
Canady	Hancock	McKeon
Cantwell	Hansen	McMillan
Castle	Hastert	Meyers
Clinger	Hefley	Mica
Coble	Herger	Michel
Collins (GA)	Hobson	Miller (FL)
Combest	Hoke	Molinari
Cox	Huffington	Mollohan
Crane	Hunter	Moorhead
Crapo	Hutchinson	Myers
Cunningham	Hyde	Nussle
DeLay	Inglis	Oxley

Paxon	Santorum	Stump
Petri	Saxton	Sundquist
Pombo	Schaefer	Synar
Porter	Schiff	Talent
Portman	Sensenbrenner	Taylor (NC)
Pryce (OH)	Shaw	Thomas (CA)
Quillen	Shuster	Thomas (WY)
Ramstad	Skaggs	Vucanovich
Ravenel	Skeen	Walker
Regula	Smith (MI)	Weldon
Ridge	Smith (NJ)	Wolf
Roberts	Smith (OR)	Young (AK)
Rohrabacher	Smith (TX)	Young (FL)
Roth	Solomon	Zeliff
Roukema	Spence	Zimmer
Royce	Stearns	

NOT VOTING—7

de la Garza	McDade	Washington
Dingell	Moakley	
Henry	Packard	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶90.17 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2492. An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1994, and for other purposes; and

H.R. 2493. An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes.

The message also announced that the Senate insisted upon its amendments to the bill (H.R. 2492) "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1994, and for other purposes," requested a conference with the House on the disagreeing votes of the two Houses thereon, and appointed Mr. KOHL, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. BYRD, Mr. BURNS, Mr. MACK, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that the Senate insisted upon its amendments to the bill (H.R. 2493) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes" requested a conference with the House on the disagreeing votes of the two Houses thereon, and appointed Mr. BUMPERS, Mr. HARKIN, Mr. KERREY, Mr. JOHNSTON, Mr. KOHL, Mrs. FEINSTEIN, Mr. BYRD, Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GRAMM, Mr. GORTON, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1295. An Act to amend the Rehabilitation Act of 1973 and the Education of the Deaf Act of 1986 to make technical and conforming amendments to the Act, and for other purposes.

The message also announced that pursuant to Public Law 102-240, the Chair announced on behalf of the Republican leader, his appointment of Thomas E. Mulinazzi of Kansas, as a member of the National Council on Surface Transportation Research.

¶90.18 PROVIDING FOR THE CONSIDERATION OF H.R. 2330

Mr. BEILENSEN, by direction of the Committee on Rules, reported (Rept. No. 103-195) the resolution (H. Res. 229) providing for consideration of the bill (H.R. 2330) to authorize appropriations for fiscal year 1994 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶90.19 PROVIDING FOR THE CONSIDERATION OF H.R. 1964

Mr. BEILENSEN, by direction of the Committee on Rules, reported (Rept. No. 103-196) the resolution (H. Res. 230) providing for consideration of the bill (H.R. 1964) to authorize appropriations for the Maritime Administration for fiscal year 1994, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶90.20 SUBPOENA

The SPEAKER pro tempore, Mr. McNULTY, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 27, 1993.

Hon. THOMAS S. FOLEY,
Speaker of the House, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Court of Common Pleas of Coshocton County, Ohio related to a civil lawsuit involving a constituent.

After consultation with the General Counsel, I have determined that compliance with the subpoena is not consistent with the privileges and precedents of the House.

With best regards, I remain.

Sincerely yours,

DOUGLAS APPELGATE,
U.S. Congressman.

¶90.21 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1295. An Act to amend the Rehabilitation Act of 1973 and the Education of the Deaf Act of 1986 to make technical and conforming amendments to the Act, and for other purposes; to the Committee on Education and Labor.

¶90.22 ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that

that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 843. An Act to withdraw certain lands located in the Coronado National Forest from the mining and mineral leasing laws of the United States, and for other purposes.

¶90.23 SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 111. Joint resolution to designate August 1, 1993, as "Helsinki Human Rights Day."

¶90.24 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. MCDADE, for today.

And then,

¶90.25 ADJOURNMENT

On motion of Mr. KOPETSKI, at 10 o'clock and 10 minutes p.m., the House adjourned.

¶90.26 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BEILENSEN: Committee on Rules. House Resolution 229. Resolution providing for consideration of the bill (H.R. 2330) to authorize appropriations for fiscal year 1994 for intelligence and intelligence-related activities of the U.S. Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 103-195). Referred to the House Calendar.

Mr. BONIOR: Committee on Rules. House Resolution 230. Resolution providing for consideration of the bill (H.R. 1964) to authorize appropriations for the Maritime Administration for fiscal year 1994, and for other purposes (Rept. No. 103-196). Referred to the House Calendar.

¶90.27 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLAY:

H.R. 2765. A bill to provide for a temporary extension in the method currently being used to determine Government contributions under the health benefits program for Federal employees in the absence of a Government-wide indemnity benefit plan; to the Committee on Post Office and Civil Service.

By Mr. LAFALCE:

H.R. 2766. A bill to amend the 7(a) Loan Program, and for other purposes; to the Committee on Small Business.

By Mr. BISHOP:

H.R. 2767. A bill to amend title 5, United States Code, to provide veterans' preference eligibility with respect to individuals who served on active duty in the Armed Forces during the Persian Gulf war, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. COLEMAN:

H.R. 2768. A bill to ratify the transfer of a parcel of land by the Ysleta del Sur Pueblo of Texas; to the Committee on Natural Resources.

By Mr. FORD of Michigan (for himself and Mr. GOODLING):